

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2002.03
COMPLAINT INVESTIGATOR:	Sally Cook
DATE OF COMPLAINT:	February 7, 2003
DATE OF REPORT:	February 27, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 18, 2003

COMPLAINT ISSUES:

Whether the Anderson Community School Corporation and the Anderson Area Special Education Cooperative violated:

511 IAC 7-27-2(a) by failing to schedule a case conference committee (CCC) meeting at a mutually agreed upon date, time, and place.

511 IAC 7-27-2(c) by failing to give the parent adequate notice of the CCC meeting early enough to ensure that one (1) or both parents have the opportunity to attend.

511 IAC 7-27-3(a) by failing to ensure that the CCC included the required participants.

FINDINGS OF FACT:

1. The Student is eleven (11) years old and is eligible for special education and related services as a student with an autism spectrum disorder.
2. On January 29, 2003, the Student's special education teacher (the "Teacher") and a school social worker (the "Social Worker") telephoned the Parent for a telephone conference. The Social Worker is a member of the student attendance team. The Teacher intended this call to be a case conference committee ("CCC") meeting to discuss the Student's absences. When a student has been absent a specified number of times, there is a local procedure requiring a CCC meeting to discuss the effects that excessive absences might have on a student's progress and on an *individualized education program (IEP)*.
3. It is undisputed that no attempts were made to contact the Parent in advance of January 29, 2003, to schedule a mutually agreeable date, time, and place. The *Documentation Of Attempts To Contact Parents* (Form 303) does not document a single attempt to contact the parent.
4. It is undisputed that the Parent received no advance notice, oral or written, of a CCC meeting. The *Notification of Case Conference/Annual Case Review Meeting* (Form 301) was mailed to the Parent after the telephone conference, not before.
5. On January 29, 2003, the Parent happened to return home just in time to take the phone call.

6. The participants in the telephone conference were the Teacher, the Social Worker, and the Parent. There was no participation by a representative of the public agency. Although the Student participates in the general education environment, there was no participation by a general education teacher.
7. Upon receipt of the Letter of Complaint, the local director of special education (the "Director") immediately investigated and took corrective action by providing technical assistance on February 7, 2003, and February 25, 2003, to the principal of the Student's school and to the Teacher. The technical assistance included one-to-one instruction in Article 7's requirements pertaining to CCC meetings, re-training in the uses of special education forms, and a records review.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that no efforts were made to schedule the case conference committee meeting at a mutually agreed upon date, time, and place. Therefore, a violation of 511 IAC 7-27-2(a) occurred. However, Finding of Fact #7 indicates that appropriate corrective action has been taken.
2. Findings of Fact #2, #4 and #5 indicate that the Parent did not receive adequate notice for a case conference committee meeting. Therefore, a violation of 511 IAC 7-27-2(c) occurred. However, Finding of Fact #7 indicates that appropriate corrective action has been taken.
3. Findings of Fact #2 and #6 indicate that the case conference committee meeting did not include all required participants. Therefore, a violation of 511 IAC 7-27-3(a) occurred. However, Finding of Fact #7 indicates that appropriate corrective action has been taken.

The Department of Education, Division of Exceptional Learners requires no corrective actions based on the Findings of Fact and Conclusions listed above.